

Regular Meeting of the Sandy Springs City Council was held on Tuesday, December 17, 2013, at 6:07 p.m., Mayor Eva Galambos presiding

INVOCATION

Rabbi Brad Levenberg, Temple Sinai, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:07 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Regular Meeting agenda for December 17, 2013, with the removal of Agenda Item No. 13-242. Councilmember Paulson seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-226)

1. Meeting Minutes:
 - a) December 3, 2013 Regular Meeting
 - b) December 3, 2013 Work Session*(Michael Casey, City Clerk)*

(Agenda Item No. 13-227)

2. **AM11-004** - 5600 Roswell Road (SR 9), *Applicant: Sembler*, to modify condition 2.a. of RZ07-019 by modifying the site plan
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-228)

3. **AM11-005** - 1130 Hightower Trail, *Applicant: Community Action Center*, modification request to delete condition 3.f. of Z84-066 related to signage
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-229)

4. **AM12-001** - 5167 Lake Forrest Drive, *Applicant: Rodney Taylor*, to delete conditions 3.a., 3.b., 3.d. and 5.a. of Z05-0027 to allow construction of a single family residence
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-230)

5. **201201855** - 7955 Colquitt Road, *Applicant: Farahnaz-Ghasemshahs*, to modify condition 3.a. of Z99-0032 to modify the building setback along GA-400
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-231)

6. **201203397** - 510 Avignon Court, *Applicant: Joseph E. Denny*, to modify condition 1.h of Z82-0146 to allow an addition to a single family residence
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-232)

7. **201303246** - 5776-5880 Glenridge Drive, *Applicant: Pulte Homes*, to modify condition 3.a.i. of 201300437 related to the six (6) foot earthen berm
(Angela Parker, Director of Community Development)

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for December 17, 2013. Councilmember Sterling seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Paul Harris Fellow in the Rotary International Foundation – Jim Squire, The Rotary Club of Sandy Springs

Mayor Eva Galambos invited Jim Squire to the podium.

Jim Squire, The Rotary Club of Sandy Springs, asked Mayor Galambos to join him. On behalf of the Board of Directors, Rotary Club of Sandy Springs members, and the trustees of the Rotary Foundation, he presented the Mayor with the Paul Harris Fellow award. This is one of the most prestigious awards in Rotary and named after the founder of Rotary International. This honor is given in recognition of an individual's extraordinary service rendered to one's community, state, nation, and the world. The Mayor exemplifies the criteria through her tireless efforts for over thirty years in championing for the creation of the City of Sandy Springs and serving as the founding Mayor for the past eight years. It is particularly significant when a Paul Harris Fellow award is accorded to a Rotarian such as the Mayor. He asked Rotary Club member David Evans to confer the medallion to the Mayor.

Mayor Galambos stated she is deeply honored receiving this award. One of her pleasures in the upcoming year will be as a regular member of the Rotary Club and to partake in all of the fabulous work the club does.

2. Sparkle Sandy Springs Winner - Mayor Eva Galambos

Mayor Eva Galambos stated this is the second year of recognizing businesses that make an extra effort in decorating for the holidays. One of the honorary prizes goes to The Legacy Center Preschool. Another honorary mention is for Bean Head Toys. This is the second year they have been recognized. The overall winner for 2013 is Mirage Persian Cuisine.

3. Special Presentation to the City Council - Mayor Eva Galambos

Mayor Eva Galambos stated these awards are to recognize the Councilmembers who have given so many nights of service to the Council. The first award goes to Councilmember Karen Meinzen McEnerny who has been on the Council for eight years. She presented Councilmember Meinzen McEnerny with the award. The Mayor read the award which stated in recognition of your service as a member of the Sandy Springs City Council.

Councilmember Karen Meinzen McEnerny stated the award is absolutely gorgeous, thanked the Mayor and everyone who had a hand in the award, and accepted the award on behalf of her constituents.

Mayor Galambos stated the next award is for Councilmember Chip Collins, who has been with the City for the last four years. She presented the award to Councilmember Collins.

Councilmember Chip Collins thanked the Mayor.

Mayor Galambos presented Councilmember Dianne Fries with the third award. She and Councilmember Fries began working together representing the City eight years ago.

Councilmember Tibby DeJulio stated there is a special presentation to Mayor Galambos this evening from Stuart Wilkinson, who is here representing the Governor's office.

Stuart Wilkinson, Representative of Governor Nathan Deal's office, thanked the Mayor and Council for the opportunity to honor the Mayor this evening. He presented the Mayor with a commendation from Governor Deal which states, "Whereas, moving to Athens, GA in 1939 Mayor Eva Galambos began her journey to become leader of the sixth largest city in the State of Georgia. Whereas, her efforts to incorporate the City of Sandy Springs began in 1966 in response to efforts to annex the land that is now Sandy Springs in the City of Atlanta. Dr. Galambos lead the fight to form a separate government which lasted more than forty years through the Committee for Sandy Springs. In June 2005, an overwhelming 94% voted for the incorporation of the previously unincorporated area of northern Fulton County. Whereas, leadership is having the ability to turn vision into reality. Mayor Galambos has consistently lead transformation of challenges into opportunities. Therefore, Governor Nathan Deal of the State of Georgia does hereby commend the Honorable Eva Galambos for her dutiful service to the City of Sandy Springs and the State of Georgia."

Councilmember DeJulio asked Mayor Galambos' husband John Galambos and her son Mike Galambos to the front. In 1966, Eva Galambos started the journey towards a City of Sandy Springs. He met Mayor Galambos in 1987. He has worked, driven, lobbied, and raised funds with Mayor Galambos. The most endearing part about the Mayor is she is a demanding task master, but she is the hardest on herself. When working with the Mayor there is no compromise with quality and everything has to be done right. There is a wrong way, right way, and Eva's way. So that future City Councils will know the right way and what they have to do, the City will name the street on which the new City Hall will be located Galambos Way. He wants to be sure that future Councils do not lose sight of the founding principles of Sandy Springs and the high ideals that were brought with the founding. He asked the Councilmembers to gather in the front for a photograph.

Mayor Galambos stated her family has a tradition that when there is a special occasion someone writes a poem. She recited her poem, "One event right after another, they come together just like magic. Dianne is super party mother—she always gets it altogether. Now Karen has always been a pro on follow-up questions—a few galore. Trees and density need precedents to serve and impress her constituents. I remember Chip's own election. Collins yard signs tripled every faction. He lists the pros & cons in his debate and leads the Council to a sound fate. Beware, you petitioner, with an Atlanta address, for good old Tibby will promptly assess. There is no way we can handle this matter. If you tell me it is located in Atlanta. Gabriel hates eminent domain. But his "no" vote is in vain. Individual rights are his true passion; and these he pursues in his own fashion. A fully qualified engineer because of him we have no fear. He is very welcomed in our midst. Lake Forrest's landslide will be fixed. It's been a great and

short 8 years, we've tackled small & big affairs. We've set a tone for those to follow. I have no fears about tomorrow."

4. Annual Financial Audit Report - Mauldin & Jenkins, LLC

Adam Fraley, Partner of Mauldin & Jenkins, stated the auditors have completed the audit for the City's financial statements for the year ending June 30, 2013. Each Councilmember should have the Comprehensive Annual Financial Report (CAFR) as well as the annual audit agenda. He will present mainly from the annual audit agenda, which includes the results of the audit as well as any other summaries of audit communications. Page 3 of the audit agenda includes information about the Mauldin & Jenkins firm and page 4 is the summary of audit results. The financial statements are the responsibility of the City. The responsibility of the auditors is to express an opinion on the financial statements as far as their material creativeness. The auditors rendered an unmodified opinion, which is a clean opinion. The auditors believe the financial statements are materially correct. There were accounting standards that changed terminology this year. Many auditors look at equity to look at the reserves the City has. The terminology "net assets" used to be used and now that terminology is "net position". Governments in the State of Georgia are required to prepare financial statements and have them audited by external auditors and those financial statements delivered to the State within six months of the year end. The City has complied with this and went above and beyond the legal requirement in preparing a CAFR, which is not required. The CAFR includes other elements such as a statistical section that gives good information on the City. The CAFR is submitted to the GFOA for an award and the City has received that award each year. Most governments in Georgia do not prepare a CAFR to present to the GFOA. Page 8 states the general main operating funds of the City. The general fund revenues this year were about \$83.6 million compared to last year of \$82.2 million. The City expenditures were \$61.8 million versus \$57.5 million last year. All of these numbers result in a fund balance of \$33.5 million. Of that amount, about \$20 million is in unassigned fund balance and has not been designated. This amount equals 1/3 or four months of the City's annual operating expenditures for the general fund. Page 15 states the required communications that are the items the standards require the auditors to communicate to Council. Page 18 includes the audit findings. This year there are no audit findings, which is good. Page 18 and 19 includes management recommendations that are less significant that have been communicated to City management. Page 20 through the rest of the document includes the new accounting standards.

Councilmember Gabriel Sterling asked if the City had findings last year.

Finance Director Karen Ellis responded no.

Mayor Eva Galambos thanked Mr. Fraley and the Finance Department.

City Attorney Wendell Willard asked Fulton County Commissioner Rob Pitts to the front.

Fulton County Commissioner Rob Pitts stated he came to the meeting tonight due to this being the last City Council meeting for some Councilmembers and the Mayor. He was in attendance at the very first City Council meeting. He thanked the Councilmembers and the Mayor for what they have done for the City.

Mayor Galambos stated there were differences of opinion amongst the Commissioners regarding the parks when Sandy Springs first became a City. Mr. Pitts was the fourth vote agreeing Sandy Springs already paid for the parks and he helped the City acquire the parks.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings segment of the meeting.

Alcoholic Beverage License

(Agenda Item No. 13-233)

1. Approval of Alcoholic Beverage License Application for Stars & Strikes at 8767 Roswell Road Sandy Springs, Georgia 30350. Applicant is John Canouse for Consumption on Premises Wine, Malt Beverage & Distilled Spirits

Finance Director Karen Ellis stated this item is a new alcohol application for the consumption on premises of wine, malt beverage, and distilled spirits for the business Stars & Strikes located at 8767 Roswell Road. The applicant has met all requirements and staff recommends approval.

Mayor Eva Galambos called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-233, Alcoholic Beverage License Application for Stars & Strikes at 8767 Roswell Road Sandy Springs, for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

Rezoning

(Agenda Item No. 13-234)

2. **201301778** - 611, 641, 661 Mabry Road, *Applicant: Estate of Herbert H. and Colleen B. Mabry and Estate of Maxine P. Cullom*, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision

Councilmember Karen Meinzen McEnerny recused herself from this agenda item.

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred from the November 19th City Council meeting to allow the developer additional time to meet with the neighboring property owners. Following that City Council meeting, that developer provided a letter to staff indicating they were withdrawing from the project. However, the property owners want to continue with the application. As of today, staff received a letter from a new developer engaged by the property owner with a thirteen lot proposal. A site plan was not provided with the letter that was received by staff today. The applicant has additional information to present this evening.

Nathan Hendricks, representative of the applicant, stated there was initial conversation about the plan having twenty-two lots. The lot numbers changed from twenty to eighteen, sixteen, and then fourteen. At the last meeting 81% of the nearby neighborhoods were in agreement with a thirteen lot plan. Traton Homes is no longer the developer. Paul Corley has a venture that will be taking over the development and has agreed to the thirteen lot plan. The thirteen lots are proposed to be rezoned to R4-A. The original application request was to rezone to R4. The R4 zoning provides for a minimum of 9,000 square foot lots. The R4-A zoning provides for a minimum of 12,000 square foot lots. The interior lots on the thirteen lot site plan are 12,000 square foot lots. The plan chosen shows the lots along the north, west, and south would all have to be a minimum of 18,000 square feet, which is the minimum size provided under the R3 zoning. The setbacks for R4-A zoning are needed for these lots in order to be able to get sufficient area of developable pad to bring the product to the community. He requested approval of the R4-A zoning and to be conditioned to the lots along the north, west, and south being a minimum of 18,000 square feet. Mr. Corley met with the homeowners association and a set of five conditions were created and agreed upon. Earlier today he submitted the conditions to staff as a modification and amendment to the application. The fourth condition discusses the detention pond and fence that will be around it. The fence is referenced as a black vinyl-clad chain link. An agreement has been made that the fence will be wrought iron.

Paul Corley, applicant and CEO of Edwards Andrews Homes, stated he has been a developer and builder in Atlanta since the early 1990's. His company is active in Sandy Springs with approximately

twenty-eight homes in some phase of construction. His company enjoys working with City staff and in the community. He is excited about the possibility of this new development. Traton Homes started the process and the number of homes that were planned kept decreasing. Traton Homes may not be too familiar with the Sandy Springs real estate market. His company is very comfortable with the plan and building the product. His product typically ranges from 3,000 to 4,400 square feet. The price of the homes would start at \$600,000 up to the low \$800,000's. The plan calls for thirteen R4-A lots. The perimeter lots will be 18,000 square feet. His company met with the Spalding Woods HOA and tried to address their concerns. Five additional conditions have been added to the plan and one is how to deal with the detention pond. One condition is the developer and homeowners would join the Spalding Woods HOA. He is hopeful that Council will approve this plan. Caldwell-Cline is the primary architect of the homes. The homes are a mix of traditional and craftsman style homes that include brick, stone, Hardiplank, and shake. He is comfortable with the thirteen home limit. He is looking forward to bringing a development to Sandy Springs.

Mayor Eva Galambos called for public comments in support of the application. There were no public comments. Mayor Galambos called for public comments in opposition to the application.

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman of the Sandy Springs Council of Neighborhoods. She is in opposition to this application and not because she disagrees with the agreement the neighborhoods have reached. The neighborhoods have been through a horrible time dealing with the twenty homes, and then eighteen, and then sixteen. There was no redress from the previous applicant. The neighborhoods conducted themselves in a very professional manner and she resents how they were treated. She is pleased this new proposed plan is something the neighborhood may be able to work with. There is a long history on this property that does not deserve an R4 or R4-A zoning. To take the property from an R2 zoning to R4-A is unnecessary. It would have been better to take it from R2 to R3 zoning. There are five conditions that have been submitted to staff. The first condition addresses appearance of the proposed homes. This is a verbal description. The applicant called her yesterday and provided her with the proposed site plan. She received photographs of the types of homes the developer builds. She gave the City Clerk the photographs for the record and the old site plan. She hopes that Council will take the conditions that the neighborhood created and approve every condition. She hopes the neighborhood will be rid of the rundown properties.

Tochie Blad, 7320 Hunters Branch Drive, stated this is the third time she has been before Council regarding this item. This is a new site plan that has no engineering seal. There was notification as of yesterday that there is a new builder. The conditions have been hastily drawn up with some of the neighborhoods. The concern is still the same regarding the protected neighborhoods. She does not want a subdivision within a subdivision. There are large lots in The Branches subdivision. There is an expectation when moving into a community that it will remain similar in nature. She is concerned that this type of cluster development within an existing protected neighborhood will impact all of the community.

Andrea Shapiro, 95 Messina Way, stated she lives in the Spalding Woods subdivision. The residents received an email today about the proposed plan, but could not see the five conditions and asked what they are. She asked about the number of bedrooms, bathrooms, garage, and the basement.

Councilmember Dianne Fries stated the neighborhood conditions do not include wrought iron fences.

Mr. Corley stated the fence will be wrought iron.

Mr. Hendricks stated there are two land use/zoning points of concern and evaluation. One issue is the protected neighborhood and that is why the effort is to use the 18,000 square foot lots along the north, west, and south sides of the property. The second point of evaluation is the City's Comprehensive Land Use Plan. The plan suggests a development at a level of two to three lots per acre. With a thirteen lot

plan, that is below the City's Comprehensive Land Use Plan at 1.96 lots per acre. There is direction with consistency that this plan is compatible with the immediately surrounding area.

Mr. Corley displayed a drawing of the typical elevations of the Roger Caldwell homes. The proposed homes will range from a minimum of 3,000 to 4,400 square feet. Most of the homes will be five bedroom homes and half of the homes will have basements. There are typically four bathrooms in each home. The price of the homes would start in the upper \$600,000's and go into the \$700,000 range.

Mayor Galambos asked if the homes will have a separate neighborhood association from the rest of the neighborhood.

Mr. Corley responded yes. He has agreed to join and pay the annual fee of the Spalding Woods HOA and this development will have its own HOA for entrance maintenance and the detention pond.

Councilmember Gabriel Sterling stated the new homeowners joining the Spalding Woods HOA is not mandatory.

Mr. Corley stated he will include it in the covenants that the homeowners will be required to be a member of Spalding Woods HOA.

Councilmember Chip Collins asked what the detention pond area will look like.

Mr. Corley stated the condition includes detention pond plantings and landscaping subject to both the Sandy Springs arborist and the members of the HOA board. Traton Homes approached his company asking if they would be a partner on this deal and Traton then withdrew from the deal. He does not have all answers from an engineering perspective. Once the pond is fully designed, he will submit a landscape plan to the neighbors and City staff.

Councilmember John Paulson asked who he met with in the neighborhood.

Mr. Corley stated he met with Steve and Roger, who is member of the HOA.

Councilmember Paulson asked if any of the HOA members are present and asked if they would comment on this item.

Steve Currivan, 660 Spalding Drive, stated he is the Spalding Woods HOA President. He assisted with the five conditions. The developer is making an effort to reach out to the neighborhood and he is very encouraged by that.

Mayor Galambos asked if Mr. Currivan supports the petition.

Mr. Currivan responded yes.

Mayor Galambos suggested the conditions be read for the audience.

Councilmember Sterling read the five conditions for the record.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-234, 201301778 - 611, 641, 661 Mabry Road, *Applicant: Estate of Herbert H. and Colleen B. Mabry and Estate of Maxine*

P. Cullom, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 13 lot subdivision with staff conditions and the following five conditions:

1) The developer/builder shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exterior, setbacks or other similar techniques to provide a more pleasing appearance to the subdivision. Exteriors of homes constructed on the subject property must be brick, stone, cedar shake, or cement based material such as hardiplank. The developer/builder agrees to construct homes with a minimum of four (4) sided brick or stone water-table. A water-table shall be defined as brick or stone up to the front floor plate of the home.

2) There shall be a maximum of thirteen (13) single family lots in the proposed development. The property shall be zoned R4-A with a minimum lot size of 12, 000 sq. ft. The lots adjoining the north, south, and west property lines, shall meet the minimum square footage under the R3 Zoning Classification, which is a minimum of 18,000 sq. ft. lots. All lots in the community shall have the setbacks of R4-A.

3) Applicant agrees to the creation of a mandatory homeowners association. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all the common areas, entrance areas, and detention area contained within the proposed residential community. Applicant also agrees to join the Spalding Woods Homeowners Association.

4) The detention pond for the proposed development shall be fenced with a black, vinyl-clad chain link fence, a minimum of four (4) feet in height, with landscaping to the exterior for the purposes of visual screening. The landscaping for the detention pond shall be approved by the Sandy Springs Arborist during the plan review process, as well as, the Board members of the Spalding Woods HOA. The fencing and landscaping shall be installed as soon as the detention pond is constructed.

5) Applicant agrees to install a construction fence around the perimeter of the subject property to secure access to the subject property during the initial development and construction; and to also change condition 4) to state wrought iron instead of vinyl-clad chain link fence.

Councilmember Fries seconded the motion.

Staff Conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

a. To develop thirteen (13) Single Family Dwelling Units. All lots abutting North, South, and West property lines shall meet the R-3 (single Family Dwelling District) minimum lot area requirements of 18,000 square feet. All lots in the community shall comply with R-4A setback requirements.

2. To the owner's agreement to abide by the following:

a. To the site plan received by the Department of Community Development on December 17, 2013 Said site is conceptual only and plan must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

- a. Development shall comply with the Georgia Stormwater Management Manual Stormwater Runoff Quality Standard by providing practices that treat the water quality volume by infiltration and/or evapotranspiration.
- b. Development shall not generate concentrated discharge of stormwater across a perimeter property line onto an adjacent lot where such a concentrated discharge does not already occur unless such discharge is into a drainage easement that extends to a conveyance that possesses the capacity to convey a 25 year flow.
- c. Runoff from lots fronting Mabry Road shall drain to the proposed detention facility. Proposed detention facility discharge shall be directed to the existing storm sewer to the south of the proposed detention facility as shown on the site plan dated August 29, 2013, subject to the Director of Community Development.
- d. To create a mandatory homeowners association. Said homeowners association shall be responsible for property maintenance of all common areas, entrance area, and detention area contained within the proposed development.
- e. The developer/builder shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exterior, setbacks or other similar techniques to provide a more pleasing appearance to the subdivision. Exterior of buildings shall be limited to brick, stone, cedar shake, or cement based material such as Hardiplank. A minimum of four (4) sides shall be brick or stone water-table. A water-table shall be defined as brick or stone up to the first floor plate of the home.
- f. The developer/builder agrees to install a construction fence around the perimeter of the subject property to secure access to the subject property during the initial development and construction.
- g. The detention pond shall be fenced with a wrought iron fence, minimum of six (6) feet in height, with landscaping to the exterior for purposes of visual screening, subject to the Sandy Springs Arborist approval. Said fence shall be installed as soon detention pond is constructed.

Councilmember Sterling stated the three homes on this property have been deteriorating for a long period of time. He spoke to several neighbors that want something done with this property. Twenty-two, twenty, and eighteen, were too many homes to place in this location. Almost 200 people live in this neighborhood and 81% of those people say that they would approve of thirteen or less homes with this quality. The CUP for Spalding Woods calls for an 18,000 square foot entitlement using the R3 zoning. He would like to see any future development in Spalding Woods have an R3 zoning to match what is already there. This particular zoning is R4-A, which is the entire Suffolk Forest section that is on the east side of Mabry Road east of Glenridge. The R4-A zoning already exists in very close proximity to these homes. Approving this application would not be precedent setting. The City would be following what the Comprehensive Land Use Plan calls for, which is 80% or more having the lot lines match. No future developer can come in and say they want to match the lot lines and then allow the lots to be smaller based on previous zoning. This has a protection around it that allows the developer to reach the density needed and, which is still below what the City's Comprehensive Land Use Plan calls for. This is a very good compromise of thirteen homes and the 18,000 square feet still protects the neighborhood. These are the quality of homes that will help the neighborhood and potentially encourage infill housing.

Friendly Amendment #1 to the Motion: Councilmember Fries offered a friendly amendment to the motion to include staff recommended items 3. a, b, and c. as conditions 6. a, b, and c. Councilmember Sterling accepted the friendly amendment to the motion.

Councilmember Paulson stated he likes to see a site plan, but a plan is not part of the packet.

City Attorney Wendell Willard stated there was not an official site plan submitted as far as how the property will actually be divided up.

Friendly Amendment #2 to the Motion: Councilmember Paulson offered a friendly amendment to the motion to include the site plan that was received by staff on December 17, 2013. Councilmember Sterling accepted the friendly amendment to the motion.

Councilmember Paulson stated he knows several people that live in this community who he spoke to over the last week. Thirteen homes is a good number and they are looking forward to the development.

Vote on the Motion: The motion as amended carried 5-0 (Councilmember Meinzen McEnerny recused)
Ordinance No. 2013-12-22

(Agenda Item No. 13-235)

3. **201302883** - 180 Allen Road & 185 Cliftwood Drive, *Applicant: Fulton-Allen Road Associates, LLC*, to rezone from O-I (Office & Institutional District) conditional to A-L (Apartment Limited District) for the development of a 248-unit apartment building, with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a request to rezone the subject property for the development of a 248 unit apartment building. Staff is recommending approval conditional. The Planning Commission is also recommending approval conditional subject to staff conditions amended to allow the development to have fifteen 3 bedroom units. The Design Review Board also reviewed this case and recommended approval. Staff is recommending one change to the recommended condition 3a. The condition would read as follows, "To the owner's agreement to provide the following site development standard: Reserve for the City of Sandy Springs the necessary property to allow the construction of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the City Center Master Plan Street Network. All building setback lines shall be measured from the dedication, but at no time shall a building be allowed inside the area of reservation; however, Owner/Developer shall be permitted to install driveway and other improvements as shown on site plan received by the Department of Community Development on September 19, 2013. The reservation area will be eighteen (18) feet from the interior east property line, subject to the approval of the Director of Community Development".

Mayor Eva Galambos asked in what respect the last condition differs from the condition that was in the agenda package.

Manager of Planning and Zoning Dickerson stated the updated condition adds the sentence stating "However, owner/developer shall be permitted to install driveway and other improvements as shown on site plan" and deletes the language that begins "All required landscape strips and buffer shall straddle"

Mayor Galambos asked about the meaning of the condition.

Manager of Planning and Zoning Dickerson stated the condition means the developer will provide a reservation area to accommodate the alley that is proposed in the City Center Plan. The condition will allow a driveway, sidewalk, or landscape strip as proposed on the site plan.

Carl Westmoreland, representative of the applicant, stated the subject property is 4.26 acres between Allen Road and Cliftwood Drive. Presently there is 69,000 square feet of office buildings that have been in this location since the late 1960's or early 1970's and is zoned O-I (Office and Institutional District), A-O (Apartment- Office District) and C-1 (Community Business District). The request for zoning is for a 248 unit apartment development. This area is live/work/regional and staff noted in their report the use is compatible, but they found it inconsistent in two respects. The proposed plan does not consolidate properties for a collective redevelopment. It consolidates two properties for the office parcel and the one on Cliftwood. The proposed development is a start to other catalyst development in the area. Another point that staff makes regarding inconsistency is this density should be allowed on sites over four acres and it is. Staff makes the comment that this development could burden the road network. He provided staff with a traffic report from Kimley-Horn Engineering. The proposed development will reduce the a.m. and p.m. peak traffic volumes as compared to the office traffic volume. The development will also provide access to Cliftwood Drive and Allen Road. The development also is consistent with the study that shows the City needs about 1,500 residential units in the downtown area in the next ten years. The final point is the report states the proposed plan does not provide north/south connectivity. Condition 3a allows the driveway to be put in that area. Most of the discussions probably lead to the conclusion that the driveway will function as a public street between Allen Road and Cliftwood. The staff conditions originally precluded three bedroom units. The Planning Commission disagreed with that and will allow fifteen 3 bedroom units. The variances recommended were approved by the Planning Commission, but staff proposed the variances to reduce the percentage of glazing and to increase the window spacing on the south and east side. Staff stated this is based on policy, but it is based on policy for office and retail uses. This is the first time this standard has been applied in the downtown district to a residential building. There have been numerous meetings with neighborhood groups starting in June 2013 that resulted in a list of conditions sent to the City. Some of the conditions were incorporated in the staff conditions and some were not. If staff does not want to clarify the conditions, those can be made the subject of another agreement, so there is assurance the applicant will agree to the conditions.

Steven Cadranel, proposed developer, thanked the Mayor and Councilmembers for their service. He is in attendance with his partners from UCI. He and his partner Jim Woodcox helped lead the Ben Carter properties for the past twenty-five years in creating some of the most exciting retail districts in the southeast, one of them being the Mall of Georgia. His partners have resided in this area for forty years and currently own and manage in excess of 11,000 units. He is delighted to bring forth this development. He spent a lot of time with staff, neighborhoods, and engineers. He will try and address concerns he heard, most specifically revitalization of the area, reduction in traffic, and the opportunity for vehicular and pedestrian connectivity between Allen Road and Cliftwood Drive. The applicant has been diligent in addressing all these issues in the proposed plan that exceeds the required greenspace by approximately 50% and exceeds the required open space by 50%. It is his company's ambition to be a catalyst for redevelopment in Sandy Springs.

Mayor Galambos asked what the construction standards will be.

Mr. Cadranel stated the apartments will be a luxury multi-family complex. The standards will include stone countertops, high finish cabinets, a combination of wood and carpet flooring, and significant amenity areas. The current plan includes two outdoor amenity areas with one courtyard in the middle of the building to the north of the property. The courtyard will include a pool, outdoor kitchen, fireplace, and a living area. Another amenity area to the south of the development will be an open courtyard facing Allen Road. There will be arbors, greenspace, outdoor kitchens and grilling areas. The average unit will be over 1,000 square feet in size. He is trying to bring a product that will be at the upper tier of the current market standards and current new development. If the average rent can be just slightly below what the current market calls for, the project will do great.

Mayor Galambos asked what the height of the ceilings will be.

Mr. Cadranel responded a minimum of nine feet. The leasing area will have a two level volume. The apartment buildings will have a terrace and four floors.

Mayor Galambos asked if the buildings will be reinforced concrete.

Mr. Cadranel responded no.

Councilmember Tibby DeJulio asked why three bedroom units are needed.

Mr. Cadranel stated the three bedroom units will be needed for senior residents and single parents. The single parents may use one bedroom for themselves and one for an office and one for the child. Seniors usually prefer larger than a one bedroom unit and may use the rooms for a bedroom, office, and a guestroom. The proposed project will have only fifteen 3 bedroom units. The three bedroom units are only six percent of the total project size. They would like to provide these units that will be attractive to that segment of the market without burdening schools and other City infrastructure. The ad valorem taxes generated by the current office building are approximately \$40,000 per year. The estimated ad valorem taxes for the proposed development will exceed that by approximately \$500,000 per year.

Councilmember DeJulio asked what square footage the smallest and largest units will be.

Mr. Cadranel stated the smallest unit will be a studio apartment of 685-700 square feet. The largest unit will be the three bedroom apartments at 1,370 square feet or 1,560 square feet. On average, the units will be 1,000 square feet, which is larger than most new units on the market today.

Mayor Galambos called for public comments in support of the application.

Susan Yeosock, 785 Lake Summit Drive, stated she is here to represent the Lake Forrest Summit Community Association, which supports the application submitted with all of the variances and the three bedroom apartments. The Association has met with the applicant since June 2013. The neighborhood of Lake Forrest Summit, Sandy Springs Cove, Cameron Hall, and Cameron Manor submitted neighborhood conditions in the package. The applicant has agreed to the conditions and if the application is approved, the neighborhoods would like to see them included. This portion of Allen Road and Cliftwood is ripe for redevelopment.

Steve Dils, 525 Cameron Manor Way, stated he is here in support of this development. This is an appropriate location for a multi-family development. He read the Kimley-Horn study and they are a highly regarded firm. They showed the peak traffic times will be less than what they are presently. The addition to the tax base will be beneficial to the City. Mr. Cadranel and his associates have an outstanding reputation for the developments they undertake.

Mayor Galambos called for public comments in opposition to the application.

Trisha Thompson, 145 River North Drive, stated she is very excited about this project. She is thankful Mr. Westmoreland involved the community early before the application was submitted. She spoke to various people about the three bedroom units, but Council usually likes to limit the number of bedrooms to two. The market should judge what the market will bear. She is in favor of the three bedroom units and it will be useful to this product. She supports everything the Planning Commission recommended and hopes that Council will support them as well.

Mr. Westmoreland stated the Planning Commission recommends approval on all of the conditions. Condition 3a is a result of a lot of discussion with the Planning Commission in order to accommodate the road network of the City center. This will also provide for any future development the City will make

along this road. There are a lot of small parcels along Roswell Road that may be combined and redeveloped to have access along the road as well. He requested that Council approve the application with all the variances.

Councilmember Dianne Fries stated the first two neighborhood conditions are already included in the staff conditions. She asked Mr. Westmoreland to discuss conditions 4 -13.

Mr. Westmoreland stated those conditions were worked out with the neighbors. The applicant agreed to the conditions and will comply with these conditions separately, if necessary.

City Attorney Wendell Willard requested the property owner agree to accept the conditions.

Mr. Westmoreland stated the applicant agrees to the conditions.

Councilmember Fries stated there have been previous instances where conditions were agreed upon between an applicant and the neighborhoods, but the City cannot enforce the conditions if they are not made part of the motion.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 13-235, 201302883 - 180 Allen Road & 185 Cliftwood Drive, *Applicant: Fulton-Allen Road Associates, LLC*, to rezone from O-I (Office & Institutional District) conditional to A-L (Apartment Limited District) for the development of a 248-unit apartment building with concurrent variances and subject to: 1) all Planning Commission recommendations 2) condition 3a, To the owner's agreement to provide the following site development standards: "Reserve for the City of Sandy Springs the necessary property to construct the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the City Center Master Plan Street Network. All building setback lines shall be measured from the dedication, but at no time shall a building be allowed inside the area of reservation; however, Owner/Developer shall be permitted to install driveway and other improvements as shown on site plan received by the Department of Community Development on September 19, 2013. Eighteen (18) feet from the interior east property line, subject to the approval of the Director of Community Development" 3) with the thirteen (13) conditions agreed upon with the neighborhood. Councilmember Collins seconded the motion.

Staff Conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Multi-Family Units and associated accessory uses at a density of 58.21 units per acre or 248 units, whichever is less.
 - b. Said property shall be limited to one (1) and Two (2) bedroom units, with **fifteen (15)** three (3) bedroom units.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on September 19, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for Land Disturbance Permit. Unless otherwise noted herein, compliance

with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

- b. To the elevation plan received by the Department of Community Development on September 18, 2013. Said elevations plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved elevations plans to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for Building Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:

- a. Reserve for the City of Sandy Springs the necessary property to construct the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the City Center Master Plan Street Network. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation; however, Owner/Developer shall be permitted to install driveway and other improvements as shown on site plan received by the Department of Community Development on September 19, 2013.

Eighteen (18) feet from the interior east property line, subject to the approval of the Director of Community Development.

- b. Exterior of all buildings should be limited to brick, stone, hard coat stucco, fiber cement siding/trim, PVC (trim and windows only) or fiberglass (windows or doors). Wood shall be allowed as a trim element only.
- c. Roof shingles shall be fiberglass asphalt architectural style shingles in dark gray, charcoal, black, dark brown, no green, white or red brick color.
- d. All permanent dumpsters and trash containers for building as well as service areas will be located within the building or garage.
- e. Any entrance gates on Allen Road or Cliftwood Drive shall be dark color ornamental style steel or aluminum.
- f. Dark color vinyl dipped chain link fencing can be used were it will not front Allen Road or Cliftwood Drive.
- g. Parking deck exterior shall incorporate finished concrete surface, paint or a complementary building material. Parking deck should have a landscaping area at the bass to conceal as much as possible. Examples of unacceptable concrete treatments are located in Exhibit A and examples of unacceptable concrete treatments are located in Exhibit B of the document titles "180 Allen Road & 185 Cliftwood Dr. Neighbor Conditions".
- h. All HVAC and mechanical equipment shall be fully screened even if it is located on rooftops (i) unless the same are not visible from Allen Road, Roswell Road, or Cliftwood Drive or (ii) Developer elects to use "wall pack" HVAC units.

- i. All construction vehicles must enter and exit to Roswell Road. This shall be a clause in any applicable construction contract.
- j. Retaining walls fronting on Allen Road or Cliftwood Drive shall be modular block, brick or stone or concrete block faced with brick or stone.
- k. All elevators shall be located within the interior of all buildings and parking garage footprints.
- l. A pool shall be built as a resident amenity.
- m. Interior ceiling heights should be a minimum of nine (9) feet.
- n. All units shall be individually metered and/or sub metered.
- o. Variance from Section 4.23.1 to allow retaining walls to be located in the landscape strip fronting Allen Road (CV-201302883 #1).
- p. Variance from Section 12B.8.A.7 to allow parking between the sidewalk and the building on the Cliftwood Drive frontage (CV 201302883 #2).
- q. Variance from 12B.8.C.2.b to increase the maximum building setback on Cliftwood Drive from 40 feet to 230 feet (CV 201302883 #3).
- r. Variance from Section 12B.8.F.2.b.v to increase the maximum length of the building adjacent to the street from 200 feet to 218 feet. (CV-201302883 #4).
- s. Variance from Section 12B.8.F.2 c. i to reduce the 60% to 20.75% transparent glazing on the ground floor façade along the north and west elevations. (CV-201302883 #5).
- t. Variance from Section 12B.8.F.c.ii to increase the minimum window distance from 10 feet to 17 feet along the north and west elevations. (CV-201302883 #6).

Councilmember Gabriel Sterling stated the applicant's property technically meets the standards of putting property lots together. Regarding the glazing of the windows, the City has regulations on that and it was never enforced on residential buildings. He does not believe a residential building has been zoned in the downtown area as of yet. He asked if the regulation should be the same for residential and commercial property.

Mayor Galambos asked if the City has form based code suggestions.

Manager of Planning and Zoning Dickerson stated the form based codes have not been adopted. Right now the standards will apply to all properties in the overlay district. The intent of the requirement is focused on commercial property.

Mayor Galambos asked when the City will be using the form based standards.

Director of Community Development Angela Parker stated the plan is to bring on the development partner with the City and have them be directly involved in the form code proposal that will be presented to Council for adoption.

Councilmember Sterling asked about the lot next to the proposed driveway.

Manager of Planning and Zoning Dickerson stated on one side of the driveway is a massage parlor and on the other side is an animal hospital.

Councilmember Sterling stated his concern is about not leveraging the rules about combining parcels. Those parcels could be dangling parcels. He likes the proposed plan, but worries that the City will ignore its own rules in order to get the housing needed in the area. He asked where the 20% number came from regarding the glass.

Mr. Westmoreland stated the spacing of ten feet instead of seventeen feet and the percentage of glazing works in a retail environment and commercial buildings, but does not apply with residential buildings. This is why the applicant requested the variance. In discussions with staff, their rationale is this is a policy because it is in the ordinance. Regarding the parcel on Cliftwood, one cannot buy what is not for sale.

Councilmember Sterling asked if the applicant attempted to purchase the property.

Mr. Cadranell stated he spoke with the owners of the house west of the subject property and it was already under contract to the animal hospital, before his property was under contract. The property to the east of the subject property is a viable business and he could not economically justify the price. He continued to talk to all the adjacent property owners. He hopes to be a catalyst for redevelopment in the area and his project will do that. He is also trying to accomplish interparcel, vehicular, and pedestrian connectivity. This cannot be done unless the parcel on Cliftwood is acquired to make the connection. Hopefully, he will be able to consolidate more than two parcels in the future. There is a challenge to work with something besides a townhome development. There is an undeveloped parcel at the corner of Roswell Road and Cliftwood Road and a property immediately east of the subject property.

Councilmember John Paulson stated many times people are building apartment complexes in Sandy Springs in order for them to eventually be converted to condominiums. He asked if these apartments are being built in that manner.

Councilmember Sterling stated the conversion of apartments to condominiums is in the conditions. He asked about the walkway that is being referred to as an alleyway.

Mr. Cadranell stated per City specifications an alleyway by design is actually closer to what is seen on Johnson Ferry Road between Abernathy Road and the Fire Station. This area is six feet of sidewalk with a twenty-six foot two lane road and another six foot sidewalk on the other side. What the City calls an alleyway is larger than most neighborhood streets. He will not be constructing something that large, but sidewalks will be constructed on the west side of the driveway that will be bordered by a ten foot landscape strip.

Councilmember Chip Collins stated he likes that the plan is about connectivity in connecting the apartments to the large shopping center. He asked if there will be sidewalks for residents on the Cliftwood parcel.

Mr. Cadranell responded yes.

Councilmember Sterling asked staff if the City can come up with another term besides "alley".

Mayor Galambos closed the public hearing.

Mayor Galambos stated it looks like the developer that has an interest in the Pacific site may begin developing the property.

Manager of Planning and Zoning Dickerson stated the deal is scheduled to close this Friday and staff expects development permits to be submitted early next year.

Mayor Galambos stated the City Master Plan suggests 1,500 housing units for the downtown sector. The number from this application will be 248 and the number from Kaplan is 200, for a total of 448 units. The Provence apartments that were zoned will include large numbers as well.

Councilmember Sterling stated that apartment complex is outside the downtown area.

Vote on Motion: The motion carried unanimously.

Ordinance No. 2013-12-23

The Council took a ten minute break at this time.

(Agenda Item No. 13-236)

4. **201302885** - 183 Mystic Place, *Applicant: Alan N. Larsen*, to rezone from O-I (Office & Institutional District) conditional to O-I (Office & Institutional District) for the development of an office building, with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a request to rezone the subject property from O-I conditional to O-I for the development of an office building. Staff is recommending approval conditional of the request. Both the Planning Commission and the Design Review Board are recommending approval. The Planning Commission recommends approval subject to staff conditions, except for condition 3a related to the sidewalk along the front of the property.

Todd Cohen, SK Project Consulting and representative of the applicant, stated he was just made aware of the ownership of the property. He asked for a deferral of this item for thirty days.

City Attorney Wendell Willard stated the request is to defer this item due to a question of the L.L.C. and the ownership within the L.L.C., and who has control and the right to authorize the application.

Mayor Eva Galambos called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember De Julio moved to defer consideration of Agenda Item No. 13-236, 201302885 - 183 Mystic Place, *Applicant: Alan N. Larsen*, to rezone from O-I (Office & Institutional District) conditional to O-I (Office & Institutional District) for the development of an office building, with concurrent variances, to the January 21, 2014, City Council meeting. Councilmember Sterling seconded the motion. The motion carried unanimously.

Use Permit

(Agenda Item No. 13-237)

5. **201302865** - 700 Mount Vernon Highway, *Applicant: Congregation B'nai Torah*, Use permit to allow building additions to the existing synagogue and preschool, with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a use permit to allow building additions to the existing synagogue and preschool with concurrent variances. Staff recommends approval conditional of the request. The Design Review Board heard the case on September 24th and recommends approval. The Planning Commission also recommends approval subject to staff conditions.

Kyle Epstein, Warren Epstein & Associates Architects, representative of the applicant, stated the subject property is about a seven acre site. The current building is 25,800 square feet constructed in 1985

for a congregation of about 300 family units. Currently, the congregation is about 780 family units. This project is to bring this facility in compliance with the programming needs of the congregation. The site plan is a projection for the next 15 – 20 years. The plan resulted in a loop road that will be east of the building to create additional parking area for an accessory building, outdoor chapel, and play area. The current short-term plan is to build an addition of about 10,000 square feet that will encompass administrative, social, and storage areas. The use permit takes into account all the things that happened in 1985 that predated Fulton County's zoning ordinance while trying to bring that all back into compliance.

Mayor Eva Galambos asked if the 10,000 square foot addition is on the north end of the building.

Mr. Cohen responded yes.

Councilmember Tibby DeJulio asked if this is the same building where the Mayor's Gala was held.

Councilmember Gabriel Sterling responded yes. He asked if the Mikveh will be moved.

Mr. Cohen stated that is in discussion, but will be decided in the future.

Councilmember Sterling asked if there is an agreement with the neighboring property owners behind the subject property for additional screening.

Mr. Cohen responded yes. He met with Glenridge Close, Autumn Chase, and Mount Vernon Park and signed an agreement in a letter to the City with Glenridge Close to enhance the fifty foot buffer.

Councilmember Sterling asked if that letter is in the agenda package.

Manager of Planning and Zoning Dickerson responded no. Private agreements cannot be enforced by the City, if they are not included in the conditions.

Councilmember Dianne Fries stated a recommendation for the future City Council is that the neighborhood agreements need to be provided to Council, so they can be added to the conditions.

Councilmember Karen Meinzen McEnerny stated another suggestion is to have staff look at those items in the neighborhood letter and make a notation if they are included in the conditions.

Mayor Eva Galambos called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-237, 201302865 - 700 Mount Vernon Highway, *Applicant: Congregation B'nai Torah*, a Use permit to allow building additions to the existing synagogue and preschool, with concurrent variances, along with the conditions stated in the letter from Congregation B'Nai Torah signed by Natalie Sarnat and Russell Arouh, dated October 24, 2013, as submitted to staff. Councilmember Fries seconded the motion.

Staff Conditions:

2. To the owner's agreement to restrict the use of the subject property as follows:

- a. A Synagogue at a maximum density of 6,460.72 square feet per acre or a total of 46,304 square feet, whichever is less. The subject Day Care Facility may occupy the aforementioned space.

- b. A Day Care with a total enrollment of no more than 100 students limited to operating Monday through Friday between the hours of 6:00 a.m. to 7:00 p.m.
 - c. The Day Care shall provide copies of all state licenses and exemptions to the Director of Community Development by July 1st of each calendar year.
 - d. By July 1st of each calendar year, the Day care shall provide an annual report detailing total enrollment by the uses (exemptions and/or licenses) detailed in conditions 1.b, 1.c, subject to the approval of the Director of Community Development.
3. To the owner's agreement to abide by the following:
- a. To the site plan received by the Department of Community Development dated September 3, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
4. To the owner's agreement to provide the following site development standards:
- a. To reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plan received by the Department of Community Development on September 3, 2013.
 - b. The fifty (50) foot undisturbed buffer along the north property line shall be replanted subject to a Landscape Plan agreed upon in writing by the Glenridge Close HOA and to the approval of the Sandy Springs Arborist.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2013-12-24

Text Amendment

(Agenda Item No. 13-238)

- 6. An Ordinance to Amend Article 3, Definitions, Article 12B, Sandy Springs Overlay District, and Section 28.2 Land Use Petitions, of the Sandy Springs Zoning Ordinance

Manager of Planning and Zoning Patrice Dickerson stated this item was presented at a previous Work Session related to the Design Review Board's recommendation for the suburban overlay standards. The item was presented to the Planning Commission in November 2013 and they recommend a 90 day deferral. Staff is recommending approval of the amendment.

Councilmember Tibby DeJulio asked why the 90 deferral was recommended.

Manager of Planning and Zoning Dickerson stated to allow additional time for the transition of the new Councilmembers.

Councilmember Dianne Fries stated this is where the Design Review Board looked at the overlay district and if it needs to be extended in commercial areas. They did not feel they had enough time to review the standards. The review started a year ago when she noticed an issue with District 2 being inundated by automotive uses. She is not interested in removing current zoning, but she is concerned when there are over forty automotive uses in a three mile stretch. She met with staff and worked on limiting the new automotive uses on Roswell Road from Dalrymple Road to the river. An example is a

shopping center cannot be converted to a car dealership. The Design Review Board then discussed looking at some of these things for seven months. She wants this item to be dealt with. She had conversation about this with Councilmember Meinzen McEnery, who has similar concerns. When the downtown area has limited zoning, the businesses have to go somewhere and they came up north. If the businesses are restricted and not able to come up north, they will go south, east and west.

Motion and Second: Councilmember Fries moved to approve the addition of Section 12B.7.C to prohibit new automotive uses in the suburban district north of the intersection of Roswell Road and Dalrymple Road up to the river; and to defer the remaining proposed amendments for a total of 90 days per the Planning Commission's recommendations; specifically, to defer the remaining proposed amendments for 60 days to the Planning Commission and then come back to Council on March 18, 2014; and place a moratorium on new automotive uses in the entire City until the proposed amendment changes come from the Planning Commission and City Council. Councilmember Meinzen McEnery seconded the motion.

Councilmember Fries stated this is just for new automotive use zonings.

Councilmember Gabriel Sterling asked about the no new zoning and no use permits. There currently are businesses that are zoned and operating. An example would be an emissions business and they want to do window tinting. Does the City want to require the business to obtain a use permit if they already have a business on site?

Councilmember Fries answered yes.

Councilmember Sterling asked for what reason, if the business is already operating as an existing facility. The point is to not affect businesses currently operating.

Councilmember Fries stated more than likely that business is already allowed to perform that use. She asked if an automotive repair shop wanted to tint automotive windows, would they be required to obtain a use permit.

Manager of Planning and Zoning Dickerson stated window tinting would fall under the classification automotive specialty shop, which would be a business such as a Jiffy Lube. There are different uses that are automotive such as a garage, transmission, and paint and body work.

City Attorney Wendell Willard asked if the moratorium affects a business that is under a zoning classification that allows this use, is the motion addressing rezoning to an automotive use.

Councilmember Fries responded yes. If the property is currently zoned automotive, they can perform automotive work at the location.

Councilmember Sterling stated Mr. Transmission on Roswell Road has a transmission shop and wanted to start auto tinting, but was required to obtain a use permit. That is unreasonable.

Councilmember Fries stated that may be unreasonable, but they can wait 90 days.

Mayor Eva Galambos stated this means the City needs to clean up the zoning ordinance.

Councilmember Sterling asked if someone has an automotive business and they want to change the zoning, will the motion stop that.

City Attorney Willard responded no.

Councilmember Fries stated an example is a building has zoning and use for a motorcycle dealership and they come to the City to obtain a permit for an auto repair shop. That is a new use that is not tied to the current zoning. She does not want the business to be able to complete the permit process.

City Attorney Willard stated the City does not usually and should not zone to a specific business use. Zoning should be based on appropriate zoning classification to the type of needs in that area.

Mayor Galambos stated the City's zoning classifications need cleaning up.

Mayor Galambos called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Councilmember Fries withdrew her original motion.

Motion #2 and Second: Councilmember Fries moved to approve the addition of Section 12B.7.C to prohibit new automotive uses in the suburban district north of the intersection of Roswell Road and Dalrymple Road, north to the river, and to defer the remaining proposed amendments for 60 days to the Planning Commission and then for another 30 days to the March 18, 2014, Council meeting. Councilmember Sterling seconded the motion.

Councilmember DeJulio asked why the motion includes only the north section and not the entire City.

Councilmember Fries stated this is something she has been working on for over a year.

Councilmember Fries withdrew her second motion and returned to her original motion.

Motion #3 and Second: Councilmember Fries moved to approve the addition of Section 12B.7.C to prohibit new automotive uses in the suburban district north of the intersection of Roswell Road and Dalrymple Road north to the river; to defer the remaining proposed amendments for 60 days to the Planning Commission and for a total of 90 days, coming back to the Council on March 18, 2014; and to also place a moratorium on new automotive rezoning applications for the next 90 days in the entire City until the proposed amendment changes come from the Planning Commission and the City Council on March 18, 2014. Councilmember Meinzen McEnery seconded the motion.

Councilmember Sterling stated the intent of Councilmember Fries motion was to stop anyone from applying for a new use permit.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2013-12-25

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 13-239)

1. Acceptance of the Donation of a Right of Way Deed on Riverside Drive from Renee' L. Kaswan for the T-041 / Riverside Drive Re-Alignment with Johnson Ferry Road Project

City Attorney Wendell Willard stated this item was on the agenda at the previous Work Session. This is a donation of right-of-way for realignment of Riverside Drive and the intersection of Johnson Ferry

Road. There is an attorney in attendance representing the property owner, should Council have any questions.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-239, the Donation of a Right of Way Deed on Riverside Drive from Renee' L. Kaswan for the T-041 / Riverside Drive Re-Alignment with Johnson Ferry Road Project. Councilmember Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2013-12-85

(Agenda Item No. 13-240)

2. Acceptance of the Donation of a Conservation Easement on Riverside Drive from Renee' L. Kaswan

City Attorney Wendell Willard stated this is a companion resolution to the previous agenda item. The City will accept and be the holder of the conservation easement on a portion of the property set aside for the realignment.

Motion and Second: Councilmember Collins moved to approve Agenda Item No. 13-240, the Donation of a Conservation Easement on Riverside Drive from Renee' L. Kaswan. Councilmember Sterling seconded the motion.

Councilmember Tibby DeJulio asked how large the property is.

City Attorney Willard stated the property is 6.3 acres.

Councilmember DeJulio asked what the current use of the property is.

City Attorney Willard stated the property is zoned residential and the vacant portions are being donated.

James Freeman, representative of Dr. Kaswan, stated the entire property is 9.3 acres and the conservation easement will be on 6.3 of those acres.

Councilmember DeJulio asked what the City can do with the property under the conservation easement.

City Attorney Willard responded the City will be the holder of the easement and it is done as part of a Federal program for tax purposes.

Councilmember Gabriel Sterling asked if the easement is in perpetuity.

Mr. Freeman responded yes.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2013-12-86

(Agenda Item No. 13-241)

3. Consideration of Issuance of Task Order to Groslimond Tennis Services, Inc. for the Operation of the Sandy Springs Tennis Center

Director of Recreation and Parks Ronnie Young stated this item is staff's recommendation to issue a second year task order to Groslimond Tennis Services, Inc. to operate the Sandy Springs Tennis Center. Groslimond is currently operating the tennis center and has just completed a great year with new programs. The tennis center averages over 7,000 participates per month, which equals over 70,000 per year. They have been on target for performing the services required in the task order. For the first six months of the first task order he met with Mr. Groslimond weekly at the tennis center. There have been

two modifications to the second year task order. One change is the key personnel that work every day at the center. The operating budget for the next year has been revised with an increase.

Mayor Eva Galambos asked about the money Mr. Groslimond is paying the City.

Director of Recreation and Parks Young stated he recommends that amount stay the same at \$60,000.

Councilmember Tibby DeJulio stated there is a requirement the City give up to \$20,000 back in capital improvements to the tennis center.

Director of Recreation and Parks Young stated that has been the City's standard procedure for the past six years.

Councilmember John Paulson asked what improvements were made last year with the \$20,000.

Director of Recreation and Parks Young stated that amount was not spent. One major improvement that was accomplished within the last year was the \$72,000 investment in new chain link vinyl coated fencing throughout the park. The City has received many compliments on this improvement. There has also been a lot of tournament tennis played at the center.

Councilmember DeJulio asked how the 7,000 players compared to the previous year's numbers.

Director of Recreation and Parks Young stated staff does not have previous income and outgoing numbers from before Mr. Barbic left the tennis center. When the Signature Tennis deal was at this location the cost was approximately \$24,000 to \$26,000 a year.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-241, Issuance of a Task Order to Groslimond Tennis Services, Inc. for the Operation of the Sandy Springs Tennis Center. Councilmember Fries seconded the motion. The motion carried unanimously.

City Attorney Wendell Willard stated there was a pending lawsuit against the City as a result of last year's RFP on this issue that has recently been dismissed.

(Agenda Item No. 13-242)

4. Consideration of a Resolution Adopting the City Center Street Network
(Presented by Director of Community Development, Angela Parker)

This item was removed from the agenda at the beginning of the meeting.

REPORTS

1. Mayor and Council Reports

Councilmember John Paulson stated he took a tour of the Shepherd Spinal Center, which is an amazing place.

Councilmember Karen Meinzen McEnerny stated they serve wounded warriors as well.

Councilmember Tibby DeJulio thanked the outgoing Councilmembers for their work and diligence, which has taken a lot of time from their families.

Mayor Eva Galambos stated she looks forward to the continuing Councilmembers and the newly elected Councilmembers.

Councilmember Dianne Fries wished the current Councilmembers good luck. The past eight years has been so enjoyable. Sandy Springs has the best staff of any City throughout the U.S. She also thanked her husband for his support.

Councilmember Chip Collins thanked the Mayor for giving the Council the City. It has been an honor and privilege serving with Mayor Galambos. It is fun to do public service when all of Council is headed in the same direction, and that is a positive thing for the City. The staff has made this the easiest job. They do all the hard work and Council receives the credit. Sandy Springs is what it is because of staff and it starts with wonderful leadership from City Manager John McDonough. He thanked his constituents from District 3 who kept him honest, informed, and busy. The City has been in great hands for eight years and will be in great hands for the next four years.

Councilmember Fries stated she is looking forward to figuring out the CRIT racecourse through Galambos Way.

Councilmember Meinzen McEnerny stated she has had eight years of challenges, excitement, and support from her constituents which has been the highlight of her life. She enjoyed working with the other Councilmembers. There were disagreements, many achievements, and they worked together when they needed to. She honored her constituents who gave her the wind in her sails. City Manager John McDonough is a leader. She mentioned City Attorney Wendell Willard, Assistant City Managers Eden Freeman and Bryant Poole, the public safety department, and Director of Community Development Angela Parker. The new Council will be in great hands.

Councilmember Paulson stated this is his first elected office. He reads the newspapers about other cities and how they operate. One thing about this Council is everyone speaks their mind, but at the end of the night everyone moves on from the meeting held that evening.

Councilmember Gabriel Sterling stated being on the Council gave him an opportunity to work with Mayor Galambos, who is a hero, and to work with a staff that makes Council look smart. He has learned so much from every Councilmember. Council will do great things in the next four years. Amazing things are done in Sandy Springs. He is a political consultant for his day job and he travels all over the State and has been asked how Sandy Springs does it right. The Councilmembers never lose respect for one another and that is one of the things other cities can look up to Sandy Springs for. He is proud to be a part of the Council.

2. Staff Reports

There were no staff reports.

PUBLIC COMMENT

Susan Yeosock, 785 Lake Summit Drive, stated she is in attendance on behalf of Lake Forrest Summit Community Association. She thanked the Mayor and Council for their service to the City. Each brought a unique talent and perspective to the City's leadership. Lake Forrest Summit wishes those departing the best in their new endeavors. She hopes Councilmembers that are continuing to serve will give the following serious consideration as the downtown development continues: The alignment of Cliftwood and Carpenter and double right turn at Allen Road need to be addressed. There is a line of sight issue at Cliftwood Drive turning south onto Lake Forrest Drive. Another issue is the bumps in the road on Lake Forrest Drive around Lake Forrest Elementary School, which are being used for speed control. The alignment of Glenridge and Roswell Road is an issue as well. She wished the Mayor and Council Happy Holidays and a Happy New Year.

Barbara Malone, 240 Colewood Way, stated she is in attendance on behalf of Mountaire Springs subdivision. She thanked the Mayor and Council. Her neighborhood has had construction on the last few

of twenty-four new homes. There are four homes recently that have been torn down and a nine home cul-de-sac that will replace the four homes. She provided photographs that were displayed to show the combination of four lots. This area was heavily wooded to begin with and many trees have been removed, in effect clear cutting.

Patty Berkovitz, 800 Crest Valley Dr. NW, stated she is expressing concerns regarding modification applications. There were six modifications this evening that were on the consent agenda. The community spends a lot of time working on conditions for these items in coming to an agreement with the applicants. The fact that items on this consent agenda were merely dismissed, in effect, after lots of negotiations, without the opportunity for the public to comment, is concerning. The Lake Forrest consent agenda item included insufficient information in the agenda package. She hopes in the future that more information will be required to be included in the package for the public to review.

Councilmember Karen Meinzen McEnerny stated the item on Lake Forrest Drive was a "clean up" for homes that were already built. Fulton County allowed the two houses to be built without conditions.

EXECUTIVE SESSION – Litigation and Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss litigation and real estate matters. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session began at 8:40 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 8:58 p.m.

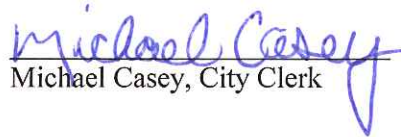
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 9:00 p.m.

Date Approved: January 7, 2014



Russell K. Paul, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

December 17, 2013


AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 17th day of December, 2013, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Discussion or voting on real estate matters pursuant to O.C.G.A. 50-14-3(b)(1);


Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Eva Galambos, Mayor

Sworn to and subscribed before me,
this 17th day of December, 2013.



Notary public (SEAL)

